

City of Selah  
Council Minutes  
December 10, 2019

Regular Meeting  
Selah Council Chambers  
115 West Naches Avenue  
Selah, WA 98942

A. Call to Order Mayor Raymond called the meeting to order at 4:00pm.

B. Roll Call

Members Present: Kevin Wickenhagen; Jacquie Matson; Jeremy Burke; John Tierney; Diane Underwood; Russell Carlson

Members Absent: Roger Bell

Staff Present: Rob Case, City Attorney; Dale Novobielski, Clerk/Treasurer; Eric Steen, Deputy Police Chief; Joe Henne, Public Works Director; Ty Jones, Public Works Utility Supervisor; Treesa Morales, Recreation Manager; Monica Lake, Executive Assistant

C. Councilmember Absence – Motion to Excuse

**Council Member Tierney moved, and Council Member Underwood seconded, to excuse Councilmember Bell. By voice vote, approval was unanimous.**

D. Pledge of Allegiance

Clerk/Treasurer Novobielski led the Pledge of Allegiance.

E. Invocation

Deputy Police Chief Steen gave the prayer.

F. Agenda Changes **None**

G. Public Appearances/Introductions/Presentations

1. Presentation of marble apples to outgoing Council Members Tierney & Underwood

Mayor Raymond presented a marble apple to Council Member Underwood, saying that she hoped she enjoyed her four years on the Council.

Council Member Underwood replied that she had, adding that she had learned a lot and encouraged other citizens to apply for open Council positions. She went on to say that she would be attending meetings from the other side in the future and that she was proud and honored to have served for four years.

Mayor Raymond presented a marble apple to Council Member Tierney, saying that sitting next to him for the past four years had been interesting and she would miss him. She thanks him for his years of service.

Council Member Tierney thanked the citizens of Selah for having confidence in him to serve on the Council the past twelve years, and the Mayor and City Administrator for their leadership and accountability for holding employees and Council accountable for the actions they do. He expressed his thanks to his fellow Council Members for their diligence during his tenure on Council, reading aloud a list of twenty-one former and current Council Members he had served with, who he felt have done an outstanding job keeping their community the great community they live in. He thanked Public Works for keeping the City in the condition it's in, and the Fire and Police Departments for keeping it safe. He urged his fellow Council Members to keep their promises make to the public or that previous Councils have made to the public, so they don't forget the legacy gone before them. He expressed hopes that they would continue to pledge their thoughts to conservative fiscally responsible activity as members of the Council, and that it had been a great privilege for him to have been able to serve.

H.      Getting To Know Our Businesses                      **None**

I.      Communications

1.      Oral

Mayor Raymond opened the meeting.

Norma Smith, 906A Speyers Road, approached the podium and addressed Council. She said that, as a citizen of Selah, she realizes how fortunate she is to be in that community, and that she feels so loved because she loves the community so very much. She wished everyone a fantastic holiday season, asking that they keep in mind that the reason for the season is Jesus. She thanked Council Member Tierney, saying that she would miss his sense of humor, kindness, and thoughtfulness, and thanked everyone for the new pool, saying that it took twenty-five years but they finally have it.

Seeing no one else rise to speak, Mayor Raymond then closed the meeting.

2.      Written    **None**

J.      Proclamations/Announcements                      **None**

K.      Consent Agenda

Executive Assistant Lake read the Consent Agenda.

All items listed with an asterisk (\*) were considered as part of the Consent Agenda.

\* 1.      Approval of Minutes: November 26, 2019 Council Meeting

\* 2.      Approval of Claims and Payroll:

Claim Checks   Nos. 74072 – 74149 for a total of \$280,282.42

- \* 3. Resolution N – 2: Resolution Authorizing the Mayor to Sign a Legal Advertising Contract with the Yakima Herald-Republic for the 2020 Calendar Year

**Council Member Burke moved, and Council Member Wickenhagen seconded, approval of the Consent Agenda as read. By voice vote, approval was unanimous.**

L. Public Hearings **None**

M. General Business

1. New Business **None**

2. Old Business **None**

N. Resolutions

1. Resolution Authorizing the Mayor to Sign ‘Task Order No. 2019-10’ between the City of Selah and HLA Engineering and Land Surveying, Inc., which Task Order Will Engage HLA to Provide Consultant Services Relative to Updating of the City’s ‘Capital Facilities Plan’

Public Work Director Henne addressed N – 1. He said that this request was for a task order with HLA for the capital facilities plan, reminding Council that he had talked about that during the budget meetings. He went on to say that they have to update the plan, which is a condensed plan that has water, sewer and street requirements in it as well as descriptions of the parks and buildings, and that he was requesting approval for a twenty-five-thousand-dollar task order with the work to be done mainly in the next year.

Council Member Wickenhagen inquired how often the update was done.

Public Works Director Henne replied that it should be every six years, and he was a little late with it.

Council Member Burke requested that he remind them of any negative repercussions with regard to the update not getting done.

Public Works Director Henne responded that he’s not aware of any but he would like to have it in print so the GMA can reference it without going to the larger plans unless necessary.

Council Member Carlson asked if this was above and beyond the regular work HLA does for them.

Public Works Director Henne answered that the reason why they do task orders is to just have it on a mini contract that will show the manhours, dollar amount and scope of work they are asking HLA to perform rather than just calling them and having no end date on a project.

Council Member Carlson again asked if this was above and beyond the normal work they do for this, and wondered what was budgeted.

Public Works Director Henne replied in the negative, saying that they do task orders for everything now; the task order contains the scope of work and the cost HLA is not to exceed.

**Council Member Tierney moved, and Council Member Matson seconded, to Approve the Resolution Authorizing the Mayor to Sign ‘Task Order No. 2019-10’ between the City of Selah and HLA Engineering and Land Surveying, Inc., which Task Order Will Engage HLA to Provide Consultant Services Relative to Updating of the City’s ‘Capital Facilities Plan’. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Burke – yes; Council Member Tierney – yes; Council Member Underwood – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.**

- \* 2. Resolution Authorizing the Mayor to Sign a Legal Advertising Contract with the Yakima Herald-Republic for the 2020 Calendar Year

#### O. Ordinances

- 1. Ordinance Amending the 2019 Budget for Miscellaneous Adjustments

Clerk/Treasurer Novobielski addressed O – 1. He stated that this was the final budget adjustment for 2019, and that within the packets given to Council he provided explanations for the different departments and funds behind the adjustments before them.

Council Member Wickenhagen inquired what LID funds are.

Clerk/Treasurer Novobielski replied that LID stands for Local Improvement District funds, and that the last LID, up in the Goodlander area, finished last year. He went on to say that when they set it up there's a slight difference between interest paid and what is received, as well as penalties on late payments, which was why the LID fund itself had a balance of twenty thousand dollars left in it. He briefly explained the difference between that fund and another fund called a guarantee fund set up by RCW to protect the bond holders, adding that since there are no active LIDs currently on the books they have the ability to transfer those monies, and the finance committee had decided they should be used for street improvements in that area. He noted that the funds would be transferred into Fund 155 for local access street improvements, and had discussed the transfer with Public Works Director Henne.

Council Member Carlson asked about the reassignment of personnel.

Clerk/Treasurer Novobielski answered that when the former Civic Center Manager left and Recreation Manager Morales took over lead responsibility of the Civic Center, the person who replaced the employee who left was assigned under her and is primarily charged to the Civic Center, while the other Recreation Coordinator is primarily charged to Recreation. He noted that in the original 2019 budget only the Civic Center Manager was under the Civic Center, and now they have the three Recreation Department employees under that.

Council Member Carlson commented that he saw a note for eleven thousand dollars labeled as unexpected repair for a truck.

Clerk/Treasurer Novobielski responded that it was for the bucket truck, and as there was no local certified repair person for the hydraulics it had to be taken to Oregon for repairs.

**Council Member Wickenhagen moved, and Council Member Carlson seconded, to approve the Ordinance Amending the 2019 Budget for Miscellaneous Adjustments. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Burke – yes; Council Member Tierney – yes; Council Member Underwood – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.**

2. Ordinance of the City of Selah, Washington, amending Selah Municipal Code section 1.06.010 so as to change the commencement time of regular meetings of the City Council that are held on the second Tuesday of each month, and also so as to change other language in order to promote clarity and to conform to past practice

City Administrator Wayman deferred to City Attorney Case to address the item.

City Attorney Case addressed O – 2. He said that the Ordinance to make changes to the current City Code was the product of Council Member Burke's motion voted on to change the designated meeting time for the meeting on the second Tuesday to 5:30pm to be consistent with all meeting times, as after that meeting it was determined that an Ordinance was required to change the current City Code. He explained that the proposed Ordinance before them would effectuate three different changes, one corresponding to the vote that occurred to change the second Tuesday meeting start time to 5:30pm, the second change to make a corresponding change to the presumptive commencement time for study sessions, and the third to clean up some language to promote clarity and conform to past practice. He went on to say that it was his understanding that in ten of twelve months they have two Tuesday meetings, while in December and June they only have one, which isn't currently reflected in the City's Code, and that there were also some grammatical issues as well as saying at the end that Council can vote for a study session whenever it wants rather than what is currently in the Code. He reiterated that there were no substantive changes aside from changing it to one meeting in June and December, all meetings be at 5:30pm, and that study sessions would be scheduled by Council on whatever day and time it wants, adding that he also desired to bring it into compliance with state law by redefining what a regular meeting is to specify that they have two regular in ten calendar months and one in two months, thus they won't have meeting falling on an observed holiday.

Council Member Carlson remarked that he didn't recall a presumptive study session at 3:30pm and wondered if there was a need to define it as 5pm, adding that they voted earlier that year to be asked on a case by case scenario whether to hold them before or after a Council Meeting.

City Attorney Case replied that the way the Code section currently reads it would be whenever Council decides but with a presumptive starting time, while his proposed change would retain the common set that study sessions are whenever Council desires.

Council Member Tierney commented that he had mentioned SMC 1.06.040 having a similar statement, and asked if the needed to have another Ordinance to amend that as well.

City Attorney Case responded that a provision of the current Code that says regular meeting shall be as established by Ordinance, while SMC 1.06.010 it currently entitled "Time of Meetings" but it addresses the time of regular meetings and the presumptive time for study sessions, which was why he also proposed a change of title for that section.

Council Member Burke expressed his appreciation for the City Attorney taking the time to clarify it, which he liked it a lot.

**Council Member Burke moved, and Council Member Wickenhagen seconded, to approve the Ordinance of the City of Selah, Washington, amending Selah Municipal Code section 1.06.010 so as to change the commencement time of regular meetings of the City Council that are held on the second Tuesday of each month, and also so as to change other language in order to promote clarity and to conform to past practice. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Burke – yes; Council Member Tierney – no; Council Member Underwood – yes; Council Member Carlson – yes. Motion passed with five yes votes and one no vote.**

P. Public Appearances                      **None**

Q. Reports/Announcements

1. Departments

Deputy Police Chief Steen had no report.

City Administrator Wayman requested that he tell Council about his new Police Officer.

Deputy Police Chief Steen said that last week they had the opportunity to give a job offer to Reserve Officer Joshua Owens, saying that he has done an outstanding job as a reserve officer, and will be starting on January 1.

Council Member Carlson remarked that he'd heard Reserve Officer Owens had put in more time as a reserve officer than the other reserve officers in the past twelve months.

Deputy Police Chief Steen replied that, while he hadn't seen the numbers, he would say that was absolutely accurate.

Public Works Director Henne said that they have wrapped up the East Goodlander project for the winter, adding that Pacific Power did get all their poles moved but some still have other utilities attached that need relocated before the poles can be removed and concrete put in. He noted that, as there is still work to be done on the project, he's left it posted as a twenty mile per hour speed limit. He remarked that they had meetings with the School Superintendent and their architect regarding the John Campbell rebuild, voicing the City's disappointment with way the South Third Street improvements were handled and the length of time citizens were without access to garages and houses, which would be written into the SEPA for the new project to help the City help them get the project done in a timelier manner. He added that the sidewalks on Third have been poured and that Public Works Utility Supervisor Jones would be

doing a walkthrough with them tomorrow morning to look at each individual driveway and assess the gravel needs for them to access their driveways over the winter months.

Council Member Carlson commented that there was money budgeted to HLA on the South Third Street improvements.

Public Works Director Henne replied that he had asked them to come out on a couple occasions due to problems with soft pockets and utilities not being quite where they thought they were located.

Council Member Carlson inquired if that was a bill that the School District would pay.

Public Works Director Henne answered that he was undecided as of yet.

Council Member Carlson hoped that they did extensive work for the nine-thousand-dollar price tag.

Public Works Director Henne responded that he was waiting for the itemized bill from HLA.

Council Member Carlson remarked that he would be too, expressing his concern about signing off on a nine-thousand-dollar charge for project they weren't responsible for.

Council Member Burke wondered if there was a reason why they weren't sending the School District a partial bill for that.

Public Works Director Henne replied that he wants to see an itemized bill, as some of it he believes was their contractor's responsibility. He noted that he requests HLA to do this all the time.

Council Member Tierney asked if they were going to pay then get reimbursed if necessary from the contractor and the School District.

Public works Director Henne answered that they would be sending a bill to the School District.

Council Member Burke requested an update on that so Council has an idea of how that plays out for future purposes.

Mayor Raymond inquired as to when the no parking signs would go up.

Public Works Director Henne responded that the Ordinance would be presented to Council in January as part of the school package, adding that the Planning Commission held a hearing with one person attending who chose not to comment.

Mayor Raymond wondered when they would install the signs.

Public Works Director Henne replied that they would go up after the Ordinance was done.

Mayor Raymond asked where they would be going up.



Public Works Director Henne answered that they would be on Third Street and Bartlett.

Council Member Matson wondered if that would wait until the residents have ingress and egress from their driveways.

Public Works Director Henne replied in the affirmative, adding that they should have access soon.

Council Member Burke asked if they had provided the homeowners notice on the no parking issue.

Public Works Director Henne responded that they advertised and provided notice, and people decided not to show for the hearing.

Council Member Council Carlson commented that he had seen people blow by the road closed signs on Goodlander time and again.

City Administrator Wayman remarked that they brought in extra help at certain times, doing what they could with the manpower they had, saying that he had observed someone move the barrier, drive through, and then put the barrier back.

Public Works Director Henne said that he thought there were six citations issued, and that the twenty mile per hour signs were still up.

Recreation Manager Morales said that she was there to report back on the tennis courts situation.

City Administrator Wayman handed out copies of the agreement between the City and the Selah School District (SSD) saying that they're more than willing to entertain sharing costs on the courts but in return had a request for the City to pick up repairs for the basketball courts they use as well as repairs and maintenance to the soccer and football fields. He reviewed the numbers from 2019 for soccer, flag football and basketball, noting that they use two SSD fields for football, three for soccer, and three gyms for basketball eleven months out of the year, where currently the SSD is paying for maintenance and upkeep, while the City in return provides the softball and baseball fields at Carlon Park.

Council Member Carlson asked if they paid for those fields.

City Administrator Wayman replied in the negative, saying that the City provides those and the tennis courts at no cost to the SSD. He added that he talked with Public Works about the cost of labor, utilities, and other materials, which was approximately thirty-seven thousand dollars annually to support school activities, and that at the meeting with the SSD they were told that resurfacing three basketball courts would be forty-five hundred dollars. He went on to say that they wanted to present it to Council and ask that they consider the downstream consequences of asking the SSD to share the costs for the tennis courts, which is a big investment done every ten years, not a constant need. He asked Council to consider allowing staff to withdraw from discussions and cover the costs of repairing the courts rather than sharing all costs with the SSD, saying that they have a good working relationship between the City and the SSD, and that the staff recommendation to not ask them to take on the cost of the tennis courts.



Council Member Tierney opined that this was like walking up and kicking a sleeping dog in that they'd get bit hard if they go back and say they want to share expenses. He remarked that there was nothing wrong with the existing agreement, and that in his twelve years on council they've never had an issue.

Council Member Burke commented that they asked pointed questions during the budget sessions regarding the relationship with the SSD; he personally wants the tennis courts repaired and would like to know if the SSD would follow through with their half of the agreement, given that the tennis courts are primarily used by the SSD and they have a larger taxing district. He had asked if they allow the City access under first use of this agreement, and the answer given was that depends on whether they like the person working for the City.

City Administrator Wayman responded that, which he doesn't have data on who uses the tennis courts for pickle ball and tennis, there are a lot of people playing pickle ball, and he's not comfortable with the statement that the school is the biggest user of the courts.

Council Member Burke retracted his statement.

City Administrator Wayman noted that they have residents from all over the valley who use those tennis courts.

Council Member Tierney commented that there was a lot of night time use in summer.

City Administrator Wayman reiterated that they have a very good relationship with the SSD, and there's a lot of interface that goes on any given year over those eleven months.

Council Member Burke agreed that if that's the case it's worth it.

City Administrator Wayman added that, staff to staff, they are not uncomfortable with them at all.

Council Member Burke responded that it wasn't the answer he was given, that it had sounded like now have particular person working for city SSD more amenable to giving us access to one particular building

Recreation Manager Morales said that what she seemed to have failed to convey is that in the past she was told that, based on a lack of follow through with cleanup of the facility, they stuck the City to the three gyms, but since she has been the Recreation Manager that has changed. She went on to say that she holds her staff and support staff to a significantly higher level than they had been held to in the past, and that if they don't need extra gyms they don't ask for them.

City Administrator Wayman noted that the high school has priority of gyms for their activities, although they don't have that for Carlon Park with the exception of practices if the team is in the playoffs.

Council Member Tierney commented that this was a good example of a quid pro quo.

Council Member Burke thanked them for the information.

Recreation Manager Morales said that the other thing to think about is that these programs allow them to do things like the 4th of July and Christmas events.

Council Member Carlson asked if they were saying that they would resurface the courts next year.

City Administrator Wayman answered that they were going to resurface them, but it would come back to Council after they have some estimates on cost, with the intent to be done prior to tennis season.

Recreation Manager Morales noted that they couldn't get done before tennis season, as it starts at the end of March.

Mayor Raymond thanked Recreation Manager Morales for all her hard work.

Clerk/Treasurer Novobielski said that he would be closing the books for 2019 over the next several weeks, and he looked forward to presenting the year end summary results.

City Attorney Case gave an update on the two litigation matters with regard to the Owens lawsuit, the first being an appellate brief filed on behalf of the City for the matter in appeal, and the second being the City's effort to recover expenditures and costs. He noted that the Court of Appeals may consolidate both appeals and hold a singular hearing, and that he can provide copies as a matter of public record.

Council Member Burke requested that he give Council his assessment of the strengths of that and the underlying appeal, and wondered if there would be time before the next meeting to file a motion of intent to appeal given the thirty-day window.

City Attorney Case responded that, if the decision was signed this Friday, he would have to file a motion of intent to appeal by day thirty, so it would be cutting it close to have an executive session at the regular meeting on January 14.

Council Member Burke asked if he was prepared to discuss that now if he made a motion for a fifteen-minute executive session.

City Attorney Case answered that he wasn't prepared to do that now, briefly outlining the two-step appeal process for Council before suggesting that if the writ order was signed on Friday he would be prepared to do an executive session at the next meeting.

Council Member Burke inquired if they needed to make a motion to have an executive session at the January meeting.

City Administrator Wayman responded that they would have one.

City Attorney Case stated that he would be ready then, adding that he has been unable to see the transcript at this point, and would be requesting that the judge order the other attorney to provide him with a copy to review.

## 2. Council Members

Council Member Wickenhagen had no report.

Council Member Matson had no report but thanked Council Members Tierney and Underwood for serving on the Council, saying she has learned a lot from serving with them the past two years.

Council Member Burke had no report.

Council Member Tierney said that it has been an honor and a privilege to serve the community and that he wishes Council well. He remarked that one of projects he had always wanted to get accomplished was improvement to Veterans Park for greater improvement to recognize veterans, which was finally in the budget.

Council Member Underwood reminded everyone there would be a blood drive at the Civic Center this Thursday. She said that leaving was bittersweet, and that she would be trying to get her life back together after her recent losses.

Council Member Carlson expressed his appreciation to his fellow Council Members for excusing him the past two meetings, and thanked the departing Council Members for their time, effort and dedication. He noted that the Selah Downtown Association facade grant program would be opening at the beginning of the year and requested that they share the news with businesses who might be interested in applying.

## 3. City Administrator

City Administrator Wayman said that shortly after he got his job a Council Member come into his office and gave him what for on accuracy in one of the staff reports where the numbers didn't add up. He thanked Council Member Tierney, saying he learned a lot from him and enjoyed working with him.

## 4. Boards

### a. Planning Commission Minutes for October 15, 2019

## 5. Mayor

Mayor Raymond remarked that they had a great parade Friday night, with so many people watching and a variety of different floats that it had the feel of Community Days. She spoke about going the various City Departments to judge the annual decorating contest, declaring the Wastewater Treatment Plant this year's winner. She handed out treat bags to the Council Members, saying that they were a gift from the Treatment Plant operators with a letter saying how much they appreciate them.


Council Member Tierney remarked that he would be remiss in not thanking Executive Assistant Lake for years of keeping him out of trouble, expressing his thanks for her assistance.

P. Executive Session **None**

Q. Adjournment

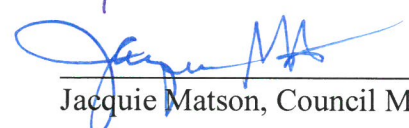
**Council Member Tierney moved, and Council Member Carlson seconded, that the meeting be adjourned. Motion passed with five yes votes and one no vote.**

The meeting adjourned at 5:21pm.

  
Sherry Raymond, Mayor

  
John Tierney, Council Member

  
Russell Carlson, Council Member

  
Jacquie Matson, Council Member

  
Jeremy Burke, Council Member

ATTEST:

  
Dale E. Novobielski, Clerk/Treasurer

EXCUSED  
Roger Bell, Council Member

Diane Underwood, Council Member

  
Kevin Wickenhagen, Council Member